

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALBERT THOMAS,

Plaintiff,

v.

BRYAN BOONE et al.,

Defendants.

Case No. 1:07-cv-275

Honorable Wendell A. Miles

ORDER OF DISMISSAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On April 23, 2007, the Court entered an order of deficiency (docket #2) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed thirty days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

The deficiency order was mailed to Plaintiff at the Kent County Correctional Facility (KCCF), which was the address provided by Plaintiff when he filed his complaint. The mail was returned to the Court stamped “Attempted-Not Known.” More than thirty days have elapsed since the Court issued its order. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit the requisite document to apply to proceed *in forma pauperis*. Because Plaintiff has wholly failed to comply with the Court’s order, dismissal of this action without prejudice for want of prosecution is

appropriate. Moreover, Plaintiff's failure to keep the Court apprised of a current address is grounds for dismissal for want of prosecution. *See* W.D. MICH. LCivR 41.1. Therefore:

IT IS ORDERED that the captioned case be and hereby is DISMISSED without prejudice. Plaintiff shall remain liable for payment of the \$350.00 civil action filing fee.

Dated: June 27, 2007

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge